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10/715,516	11/19/2003	Bruce H. Hanson	02890074US	4692

7055	7590	11/29/2007
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191		

EXAMINER	
PRAKASAM, RAMYA G	

ART UNIT	PAPER NUMBER
3651	

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/715,516  
Filing Date: November 19, 2003  
Appellant(s): HANSON ET AL.

**MAILED**

NOV 29 2007

**GROUP 3600**

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Greenblum & Bernstein, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 8/13/2007 appealing from the Office action mailed 3/15/2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6283304

GOTTLIEB et al.

9-2001

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

2. Claims 6, 13, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Gottlieb et al. 6,283,304.

Gottlieb et al. '304 disclose method of filling containers per claimed invention. The method comprises assigning filling variables associated with at least one container and a number of drop points. The method comprises determining at least total thickness of all mail pieces or thickness of each mail piece and an order of drop. The method comprises determining a best estimate of a number of containers needed if a level of fill varies between a maximum and minimum fill value of the at least one container. Gottlieb et al. '304 determine that if the level of estimated drop mail pieces is within the minimum and maximum container level, only one container is determined/or estimated to be needed. If the number of mail pieces varies and the maximum container level is estimated to be excessive for a particular drop point, Gottlieb et al. '304 determine if an additional container is required.

**(10) Response to Argument**

Applicant argues that Gottlieb does not show assigning variables associated with at least one container and a number of drop points. This argument is not persuasive. Gottlieb assigns at least a minimum and maximum fill level for each container or an amount of drop mail pieces to a container based on thickness calculations. If the variable exceeds the predetermined threshold, additional drop points and containers are estimated and considered. Therefore, this limitation is in fact disclosed.

Further, applicant argues that Gottlieb does not determine a best estimate of a number of containers needed if a level of fill varies between a maximum and minimum fill value of the at

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least one container; and Gottlieb does not determine a best estimate of a number of containers needed if the number of product varies for the drop point. This argument is not persuasive. According to Gottlieb, if a fill level (based on the thicknesses of the mailpieces) is between a minimum and maximum value, an estimate of one container is determined. If the fill level exceeds the maximum fill level of the container at a particular drop point, an additional drop points are determined to be necessary. It is clear that a best estimate of the number of containers needed are determined by Gottlieb.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

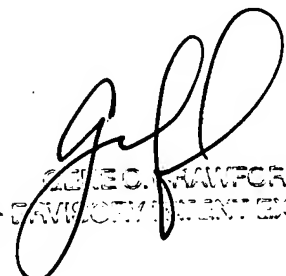
Respectfully submitted,

Ramya Prakasam, 11/21/2007

Conferees:

Gene Crawford

Meredith Petravick

  
GILLES CRAWFORD  
SUPERVISORY PATENT EXAMINER